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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/603,248	06/25/2003	Anton F. Wilson	17984-003001	3673
26171	7590	05/31/2005	EXAMINER	
FISH & RICHARDSON P.C. P.O. BOX 1022 MINNEAPOLIS, MN 55440-1022				CAMPBELL, KELLY E
ART UNIT		PAPER NUMBER		
		3618		

DATE MAILED: 05/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/603,248	WILSON, ANTON F.
	Examiner Kelly E Campbell	Art Unit 3618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 4,9,12 and 16 is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_ is/are allowed.
- 6) Claim(s) 1-3,5-8,10-11,13-15,17-20 is/are rejected.
- 7) Claim(s) \_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. ____ .
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>1-24-05</u> .	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: ____ .

**DETAILED ACTION**

***Election/Restrictions***

Claims 4,9,12 and 16 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected Species, there being no allowable generic or linking claim. Election was made without traverse in the reply filed on 4/06/05.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3,8,10-11,12-15 and 17-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Hess (US 6,062,585).

Hess a ski (1) exhibiting improved control in icy and hard packed snow skiing conditions, including:

a ski body having, a tail, ski sides, and a boot-binding region inherent to the nature and design of a ski,

a lower surface (3) of the ski body forming a running surface for contacting a skiing surface;

ski edges (4,5) extending along each ski side of the ski body, see Figure 15, adjacent the running surface (3) between the tip and tail, one surface of each ski edge being an outer side (9,10);

at least one recessed area (12,14), see Figure 2, forming at least one channel, the channel (12,14) extending alongside and parallel to at least one of the ski edges (4,5) of the ski for at least part of the length of the ski body to expose an inner side surface of the ski edge;

wherein the at least one recessed area is two recessed areas (12,14); one recessed area on each side of the ski body between a non-recessed portion (3) of the running surface and one of the ski edge (4,5) inner side surfaces; wherein the inner side surface (32) and outer side surface (9,10) of the ski edge in the recessed areas form a blade edge with flat or straight edge tips, see Figure 13; wherein edge tips are formed in at least three locations on each edge, see Figure 15 and the tips formed by recesses (34).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 5-7,13, and 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hess (US 6,062,585) as applied to claim 1 above.

Hess teaches all aspects of the claimed invention except specifically, wherein the two recessed areas and edge tips are located beneath the boot-binding region.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the position of the binding to be disposed above the recessed areas of the skis, for greater steering control when turning, since it has been held that rearranging parts of an invention involves only routine skill in the art. *In re Japiske*, 86 USPQ 70.

With regards to a third and fourth recessed area, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the ski having one or two recesses to include third or fourth recesses for increased maneuverability and control in icy conditions, since it has been held that rearranging parts of an invention involves only routine skill in the art. *In re Japiske*, 86 USPQ 70.

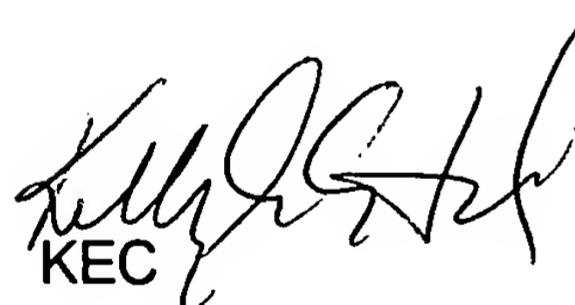
### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Merkley teaches a ski having edges with inner and outer sides. Carlton teaches a ski having recessed area and inner and outer edge portions. Pope, Jr. et al teaches a ski having recesses and edges. Diard et al teaches a ski having edges. Remondet teaches a board with recessed sections. Bejean et al teaches a ski having recessed. Nyman teaches a snowboard having edges and recesses. Fekata et al teaches skis having recessed portions.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kelly E Campbell whose telephone number is (571) 272-6693. The examiner can normally be reached on 9:00-5:30 Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Ellis can be reached on (703) 305-0168. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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